

REMARKS

Claims 1-28 are pending in this application. By this Amendment, the specification is amended to correct a typographical error. No new matter is added.

An Information Disclosure Statement (IDS) is being submitted concurrently with this Amendment correcting the alleged defects asserted on page 2 of the outstanding Office Action. In a brief telephone interview with Examiner Tran, she indicated that the April 12, 2006 Supplemental IDS was not considered because a 1449 Form was not included. Additionally, she indicated that references submitted with the July 26, 2004 IDS were crossed out because the U.S. Application Serial Numbers should not have been cited in the "U.S. Patent Documents" section of Form 1449. Accordingly, the IDS submits a Form 1449 reflecting the U.S. Publication and Patent Numbers of the previously cited applications, and the partial English translation cited in the April 12, 2006 Supplemental IDS. Consideration of the references cited in the IDS is respectfully requested.

Applicants greatly appreciate the allowance of claims 2-28.

The Office Action rejects claim 1 for nonstatutory obviousness-type double patenting in view of claims 1 and 5 of copending Application No. 10/833,996 to Morita et al. ("Morita"). This rejection is respectfully traversed.

The Office Action asserts on page 4 that "the claimed device of the instant application is generic to the claimed device of copending Application No. 10/833,996 or in other word claim 1 of the instant application is anticipated by claims 1 and 5 of copending Application No. 10/833,966. Accordingly, the examined claims would be obvious over the claims of copending Application No. 10/833,996."

Applicants submit that the two-way test for obviousness should be applied to the claims of the pending application because the pending application was filed before Morita, and the delay in processing the pending application is due entirely to administrative delay

within the Patent Office. For example, Morita (U.S. filing date of April 29, 2004) was filed nearly two months after the pending application (U.S. filing date of March 3, 2004) yet Morita received a first-action allowance on April 18, 2007. The pending application received the first Office Action on April 25, 2007. Accordingly, the Patent Office is responsible for the delay in prosecuting the pending application after the later-filed Morita application. Additionally, the claims in Morita could not be included with the claims in the pending application because they are directed to independent and distinct inventions.

Claims 1 and 5 of Morita are patentably distinct from claim 1 of the pending application because claims 1 and 5 of Morita are broader as they include several features not recited in claim 1 of the pending application. For example, claims 1 and 5 (claim 5 is dependent on claim 1) of Morita require, in addition to a capture signal generation circuit, first and second data latches and first and second driver circuits. Additionally, claims 1 and 5 of Morita require that the data lines are "comb-tooth distributed in units of a predetermined number of the data lines."

Morita is therefore directed to a configuration where two data latches and two driver circuits are provided to capture grayscale data into the data latches at separate timing, so that the comb-tooth distributed device can be driven. The claimed subject matter in Morita is therefore distinct from the subject matter of claim 1 of the pending application. Thus, for at least these reasons, claim 1 is not obvious over claims 1 and 5 of Morita under at least the two-way obviousness test.

Additionally, the provisional obviousness type double patenting should have been applied, if ever, to the claims of the later-filed Morita application, not the earlier filed application. See, MPEP §804(I)(4)("If "provisional" ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting the application to issue without

need of a terminal disclaimer"). For at least this reason, the provisional obviousness-type double patenting rejection should be withdrawn and claim 1 should be allowed to issue.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1, along with allowed claims 2-28, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Information Disclosure Statement

Date: July 25, 2007

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